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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-eighth session
Item 4 of the provisional agenda

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

Note by the Secretary-General

1. Pursuant to Sub-Commission resolution 5 (XIV), the present note reviews developments between 15 June 1995 and 1 June 1996 in fields with which the Sub-Commission has been previously concerned. It supplements those questions which are dealt with in the annotations to the provisional agenda for the forty-eighth session of the Sub-Commission (E/CN.4/Sub.2/1996/1/Add.1).

I. INTERNATIONAL COVENANTS ON HUMAN RIGHTS

2. As at 1 June 1996, 134 States had ratified, acceded or succeeded to the International Covenant on Economic, Social and Cultural Rights. As at the same date 133 States had ratified, acceded or succeeded to the International Covenant on Civil and Political Rights and 87 States had ratified or acceded to the Optional Protocol to the latter. Additionally, 45 States had made the declaration envisaged under article 41, paragraph 1, of the International Covenant on Civil and Political Rights.

3. The Second Optional Protocol aiming at the abolition of the death penalty, which was adopted and opened for signature, ratification or accession by the General Assembly in resolution 44/128 of 15 December 1989, entered into force on 11 July 1991 in accordance with the provisions of its article 8. As at 1 June 1996, there were 29 States parties to that Protocol.

Committee on Economic, Social and Cultural Rights

4. At its thirteenth and fourteenth sessions, held in November-December 1995 and in May 1996 respectively, the Committee considered nine reports submitted under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. Additionally, at its fourteenth session, the Committee reviewed the implementation of the Covenant by one non-reporting State.

5. During its thirteenth session, the Committee finalized and adopted General Comment No. 6 (1996) on the economic, social and cultural rights of the elderly. Additionally, in the light of its mandate to monitor the right to housing, the Committee decided to transmit a statement to Habitat II and recommended that one of its members, Mr. Philippe Texier, should represent it at the Conference in Istanbul in June.

6. At its fourteenth session, the Committee underlined the importance of revising its 1991 general guidelines for the preparation of State party reports in light of the recommendations adopted at the World Summit for Social Development, held in Copenhagen in March 1995, and the Fourth World Conference on Women, held in Beijing in September 1995. Additionally, a revision of the guidelines was to take into account the importance of incorporating a gender perspective into reports and to draw attention therein to the situation of vulnerable groups in society, in particular the elderly.

7. The Committee also began consideration of a draft general comment on forced eviction. It decided to continue consideration of that draft at its fifteenth session in November 1996.

8. The Committee's report on its twelfth and thirteenth sessions (E/1996/22) will be submitted to the Economic and Social Council at its substantive session of 1996 in July.

Human Rights Committee

9. During its fifty-fourth, fifty-fifth and fifty-sixth sessions held in July, October-November 1995 and March-April 1996 respectively, the Committee considered 12 reports submitted by States parties under article 40 of the International Covenant on Civil and Political Rights, and one report received pursuant to a special decision by the Committee, requesting the Government concerned urgently to submit its initial report in view of the deteriorating human rights situation in the State party.

10. The Committee completed its first reading of a draft General Comment relating to article 25 of the Covenant (right to participate in the conduct of public affairs) and expressed its intention to adopt it at its July 1996 session. It further agreed that the General Comment on article 3 of the Covenant (non-discrimination against women) should be revised as soon as possible and that work should be initiated with regard to new General Comments on article 2 (right to a remedy) and on article 12 (freedom of movement) of the Covenant.

11. During the three sessions, the Committee also adopted 31 Views under article 5, paragraph 4, of the Optional Protocol to the Covenant, adopted 24 decisions declaring complaints admissible and 11 decisions declaring complaints inadmissible.

12. A report on the Committee's fifty-second to fifty-fourth sessions was submitted to the General Assembly at its fiftieth session (A/50/40) and a report on its fifty-fifth to fifty-seventh sessions will be submitted to the General Assembly following the Committee's fifty-seventh session in July 1996.

Commission on Human Rights

13. The Commission, at its fifty-second session, adopted resolution 1996/16 of 11 April 1996 concerning the status of the International Covenants on Human Rights. In that resolution, the Commission, inter alia, appealed strongly to all States that had not yet become parties to the Covenants to do so, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration under article 41; invited the Secretary-General to intensify systematic efforts to encourage States to become parties to the International Covenants and, through the programme of advisory services in the field of human rights, to provide such services as might be sought by States that were not parties to the Covenants, with a view to assisting them to ratify or accede to them; encouraged States parties to review periodically any reservations made in respect of the provisions of the Covenants with a view to withdrawing them; urged States parties to fulfil in good time their reporting obligations under the International Covenants; also urged States parties to take duly into account, in implementing the provisions of the Covenants, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights; requested the Secretary-General to consider ways and means of assisting States parties in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports; and requested the Secretary-General to provide the Human Rights Committee and the Committee on Economic, Social and Cultural Rights with additional means to deal effectively and in a timely manner with the increasing workload.

General Assembly

14. At its fiftieth session, the General Assembly adopted resolution 50/171 of 22 December 1995, concerning the International Covenants on Human Rights, in which it appealed strongly to all States that had not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for it in its article 41; stressed the importance of fully taking into account the gender perspective in the implementation of the Covenants at the national level, including the national reports, and in the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights; also encouraged the States parties to review regularly any reservations made in respect of the provisions of the International Covenants on Human Rights with a view to

withdrawing them; invited the Committees to identify specific needs of States parties that might be addressed through the advisory services and technical assistance programme of the Centre for Human Rights, with the possible participation of members of the Committees where appropriate.

15. In accordance with the above-mentioned resolutions as well as previous resolutions on the same subject, the Centre for Human Rights organized a first meeting on universal adherence to the principal international human rights instruments for the African region which was held in Addis Ababa, from 14 to 17 May 1996. A second meeting will be organized in Amman, in September 1996, for countries from the Asian-Pacific region. In addition, seminars and training courses on reporting procedures were organized under the fellowship programme of the Centre for Human Rights in collaboration with the International Training Centre of the International Labour Organization.

II. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

16. At 1 June 1996, 146 States had adhered to the International Convention on the Elimination of All Forms of Racial Discrimination.

Committee on the Elimination of Racial Discrimination

17. During its forty-seventh and forty-eighth sessions, held in August 1995 and February-March 1996 respectively, the Committee considered reports submitted by 26 States parties to the Convention. Additionally, the Committee reviewed the application of the Convention in six States parties whose reports were long overdue. At its forty-seventh session, it adopted a decision on inadmissibility under article 14 of the Convention. At each of the two sessions, it discussed the programme of action for the Third Decade to Combat Racism and Racial Discrimination and took measures to exchange information and establish cooperation with the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance as well as the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

18. At its forty-seventh session, the Committee adopted General Recommendation XIX (47) on article 3. At its forty-eighth session, the Committee adopted General Recommendations XX (48) on the application of article 5 and XXI (48) on self-determination.

General Assembly

19. A report on the Committee's forty-sixth and forty-seventh sessions was submitted to the General Assembly at its fiftieth session (A/50/18) and a report on the Committee's forty-eighth and forty-ninth sessions will be submitted to the General Assembly at its fifty-first session following the Committee's forty-ninth session in August 1996.

20. At its fiftieth session, the General Assembly adopted resolution 50/137 of 21 December 1995, concerning the report of the Committee on the Elimination of Racial Discrimination, in which it urged all States that had not yet ratified or acceded to the Convention to do so as soon as possible; strongly

appealed to all States parties that are in arrears to fulfil their outstanding financial obligations under article 8, paragraph 6, of the Convention; welcomed the cooperation and exchange of information of the Committee with relevant structures and mechanisms of the United Nations and encouraged their continuation in the future, including with the United Nations High Commissioner for Human Rights. The Assembly also encouraged the use of innovative procedures by the Committee for reviewing the implementation of the Convention in States whose reports are overdue and the formulating of concluding observations on reports of States parties to the Convention.

III. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

21. At 1 June 1996, the Convention had been ratified or acceded to by 96 States.

Committee against Torture

22. At its fifteenth and sixteenth sessions, held in November 1995 and April-May 1996 respectively, the Committee against Torture considered 10 reports submitted to it under article 19 of the Convention, concluded one inquiry and continued in closed meeting its activities under article 20 (inquiries) and 22 (individual communications) of the Convention. During its two sessions, the Committee took six decisions declaring communications inadmissible and adopted two Views under article 22 of the Convention. A report of the Committee's fifteenth and sixteenth sessions will be submitted to the General Assembly at its fifty-first session.

Commission on Human Rights

23. The Commission, at its fifty-second session, adopted resolution 1996/33 A of 19 April 1996, concerning torture and other cruel, inhuman or degrading treatment or punishment. In its resolution, the Commission, inter alia, encouraged the States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible; urged all States to become parties to the Convention as a matter of priority; and invited all States ratifying or acceding to the Convention and those States parties that had not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20; welcomed the practice of the Committee against Torture of formulating concluding observations after the consideration of such reports, as well as its practice of carrying out inquiries into cases where there were indications of the systematic practice of torture in States parties; and requested the Secretary-General to ensure the provision of an adequate and stable level of staffing and technical equipment to ensure the effective performance of the functions of the Committee against Torture.

IV. CONVENTION ON THE RIGHTS OF THE CHILD

24. At 1 June 1996, the Convention on the Rights of the Child had been ratified or acceded to by 187 States.

Committee on the Rights of the Child

25. At its tenth, eleventh and twelfth sessions, held in October-November 1995, January and May-June 1996 respectively, the Committee considered 19 reports submitted under article 44 of the Convention on the Rights of the Child.

26. During its tenth session, the Committee devoted one day to a general discussion on the topic of the administration of juvenile justice. At its eleventh session, the Committee also considered the conceptual framework for guidelines regarding the form and contents of periodic reports, the first series of which should be submitted to the Committee by September 1997. A working group was established with the task of preparing draft guidelines for the Committee's consideration at its next session. The Committee also participated in the Geneva Consultation on the World Congress against the Commercial Sexual Exploitation of Children, which will take place in Stockholm in August 1996. At the twelfth session, the Committee decided to devote its next day of general discussion, on 7 October 1996, to the topic "the child and the media". For this purpose, a background paper had been prepared by one of the Committee's members, stressing the main aspects to be addressed during the thematic debate. During the same session, the Committee was also informed about recent steps taken in relation to the database on the Convention on the Rights of the Child and on the activities of the Committee, which has been made accessible to them. It was stressed in this connection that progress made in the computerization of information in this field would contribute to strengthening the effectiveness of all other treaty bodies and promoting the computerization of human rights activities in general.

General Assembly

27. By its resolution 50/153 the General Assembly at its fiftieth session urged all States that had not done so to sign, ratify or accede to the Convention as a matter of priority, with a view to reaching universal adherence by the end of 1995; urged States parties that had made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law, with the aim of withdrawing them; and called upon States parties, in accordance with their obligations under article 42, to make the principles and provisions of the Convention widely known to adults and children alike.

Commission on Human Rights

28. The Commission, at its fifty-second session, adopted resolution 1996/85 of 24 April 1996, in which it, inter alia, urged all States that had not done so to ratify or accede to the Convention as a matter of priority with a view to reaching universal adherence; and requested the Secretary-General to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee. The Commission also requested bodies and organs of the United Nations, including the United Nations Children's Fund, within the scope of their respective mandates, and encouraged States parties, intergovernmental and non-governmental organizations, the media and the community at large to intensify their

efforts to disseminate information on the Convention on the Rights of the Child, promote understanding of it and assist States parties in its implementation.

V. EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS INCLUDING REPORTING OBLIGATIONS OF STATES PARTIES TO THE UNITED NATIONS INSTRUMENTS IN THE FIELD OF HUMAN RIGHTS

29. The persons chairing the human rights treaty bodies discussed issues relating to the effective implementation of international human rights instruments and the improvement of the operation of the relevant human rights treaty bodies at their sixth meeting which was held at the United Nations Office at Geneva from 18 to 22 September 1995. They submitted a report and their suggestions and recommendations to the General Assembly at its fiftieth session (A/50/505).

30. At its fiftieth session the General Assembly adopted resolution 50/170 of 22 December 1995 in which it, inter alia, welcomed the continuing efforts by the treaty bodies and the Secretary-General aimed at streamlining, rationalizing and otherwise improving reporting procedures; again urged States parties to make every effort to meet their reporting obligations; welcomed the emphasis placed by the meeting of persons chairing the human rights treaty bodies and by the Commission on Human Rights on the importance of technical assistance and advisory services; and urged States parties to address, at their next meetings, the issue of States parties consistently not complying with their reporting obligations.

31. The Commission on Human Rights at its fifty-second session adopted resolution 1996/22 of 19 April 1996, entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights". In its resolution, the Commission, inter alia, urged States parties to notify the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of their acceptance of the amendments approved by States parties and the General Assembly; urged the treaty bodies to continue to examine, on a priority basis, ways of reducing the duplication of reporting required under the different instruments and of generally reducing the reporting burden on Member States; recommended that the reporting guidelines adopted by the treaty bodies be amended to identify gender-specific information to be addressed by States parties in their reports; and urged all States parties whose reports had been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports.

VI. INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

32. The Convention, which was adopted by the General Assembly in 1990, will enter into force when 20 States have ratified it. As at 1 June 1996, seven States (Colombia, Egypt, Morocco, the Philippines, Seychelles, Sri Lanka and Uganda) had ratified or acceded to the Convention and two States (Chile and Mexico) had signed it.

33. In resolution 50/169 of 22 December 1995 the General Assembly, inter alia, called upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expressed the hope that the Convention would enter into force at an early date; requested the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights; and invited the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention.

34. The Commission on Human Rights, at its fifty-second session, adopted a similar resolution (1996/18 of 11 April 1996).